

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

This Document Relates to Plaintiff(s)
Agustin Perez

Civil Case # 1:22-cv-104

SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Agustin Perez

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

Massachusetts

6. Plaintiff's/Deceased Party's current state of residence:

Massachusetts

7. District Court and Division in which venue would be proper absent direct filing:

8. Defendants (Check Defendants against whom Complaint is made):

☒ Cook Incorporated

☒ Cook Medical LLC

☐ William Cook Europe ApS

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

6-28

b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

☐ Günther Tulip® Vena Cava Filter

☐ Cook Celect® Vena Cava Filter

☐ Gunther Tulip Mreye

☐ Cook Celect Platinum

☒ Other:

A Cook Celect Filter was placed. No implant sticker was found.

11. Date of Implantation as to each product:

October 14, 2013

12. Hospital(s) where Plaintiff was implanted (including City and State):

St. Anthony's Hospital, 1200 7th Avenue North, St. Petersburg, FL 33705

13. Implanting Physician(s):

Dr. Paul Collins

14. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Failure to Warn

☒ Count II: Strict Products Liability – Design Defect

☒ Count III: Negligence

☒ Count IV: Negligence Per Se

- ☒ Count V: Breach of Express Warranty
- ☒ Count VI: Breach of Implied Warranty
- ☒ Count VII: Violations of Applicable _____ (insert State)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count VIII: Loss of Consortium
- ☐ Count IX: Wrongful Death
- ☐ Count X: Survival
- ☐ Count XI: Punitive Damages
- ☒ Other: Fraudulent Concealment (please state the facts supporting
this Count in the space, immediately below)
- ☐ Other: _____ (please state the facts supporting
this Count in the space, immediately below)

See attached brief for specific allegations

15. Attorney for Plaintiff(s):

Lawana S. Wichmann

16. Address and bar information for Attorney for Plaintiff(s):

OnderLaw, LLC

Onder Law, 110 East Lockwood Avenue

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Respectfully submitted,

OnderLaw, LLP

By /s/ Lawana S. Wichmann

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system. A copy of the foregoing was also served via U.S. Mail to the following non-CM/ECF participants:

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